

**Remarks**

The Office Action mailed February 25, 2003, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-17, 19-26, and 28 are pending in this application. Claims 1, 3-17, 19-26, and 28 stand rejected. Claims 2, 18, and 27 are cancelled.

The rejection of Claims 4, 6, and 14 under 35 U.S.C. § 112 is respectfully traversed. Claims 4, 6, and 14 have been amended to address the issues noted in the Office Action. For the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 4, 6, and 14 be withdrawn.

The rejection of Claims 1-17 and 19-21 under 35 U.S.C. § 103 as being unpatentable over Goldhaber et al. (U.S. Patent No. 5,855,008) in view of Kepecs (U.S. Patent No. 6,009,411) is respectfully traversed.

Goldhaber et al. describe a system for brokering the attention of consumers (see Column 4, lines 46-50). The system uses a database of digitally stored electronic demographic profiles of potential viewers (members), the databases are private, dynamic and interactive. The system is configured to protect member privacy, while at the same time maintaining personal information files that permit specialized targeting of ads (See Column 6, lines 30-35). Referring to Column 7, lines 2-5 of Goldhaber et al., it is indicated that an advertiser may pay for consumer names and addresses. Further, it is indicated at Column 12, line 45 to Column 13, line 13, that name, address, and telephone data is required from an individual (member) when generating a consumer database. Therefore, while Goldhaber et al. describe profile data (i.e. Gender, Age, Ethnicity) as being separate from personal data (i.e. name, address, and telephone), all are required and stored in the described database. To emphasize the point, attention is directed to Column 13, lines 28-30 where it states that the personal data, i.e. contact "information provided by the consumer is stored in the contact information block (122) of the database." Such entry

and storage of contact information is not indicative of anonymous data sets, nor indicative of any system which has data sets which do not include names, addresses, and social security numbers of individual participants.

Kepecs describes a method and system for distributing and redeeming electronic promotions to a consumer through the Internet. see Abstract. An account is maintained for each consumer and a unique key is associated with each consumer account. This account may be established by a registration process. Access is permitted to the consumer account upon presentation of the unique key over the communications network. The consumer is presented discount choices of items available in at least one store associated with the unique key. Upon purchase of items at the associated store by the consumer, such data are received, and the selections and purchases are reconciled to record a credit in the consumer account. No direct consumer identification is maintained in the consumer account to preserve the anonymity of the consumer. For example, only the loyalty card identifier is managed, therefore, the identity of the consumer is not needed. Column 2, lines 33-54.

A unique Key identifies the account of each consumer, but not necessarily the actual identity of the consumer. Column 5, lines 55-57. The Keys are in a database, and the Key Database may contain alternatively or concurrently some other personal identification, such as a Social Security number, a driver license number, passport number, or even biometric information, such as a fingerprint, of the consumer. Finally, the lowest level of identification is simply the KEY with no other identification data. The consumer is completely anonymous. Column 6, lines 22-54.

Claim 1 recites a method for prompting an individual to create an anonymous data profile for the individual. The method includes the steps of "providing the individual with access to a database," "requesting anonymous profile information, about the individual be entered into the database," "maintaining the anonymity of the individual through an inability to accept contact

information in the profile" and "compensating the individual for either or both of entry of the anonymous profile information and feedback provided in response to marketing data."

Goldhaber et al. in view of Kepecs do not describe nor suggest a method for creating an anonymous profile for an individual that includes "an inability to accept contact information". For example, Goldhaber et al. describe a system which requires both personal data (contact information) and profile data to be entered by a user. In addition, Goldhaber et al. describe that the personal data can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. Further, and referring to Column 6, lines 23-23, of Kepecs, it is indicated that the Key database may include personal identification such as a Social Security number, a drivers license number, and an address of the consumer. Therefore it is apparent that Kepecs provides an ability to accept some contact information, as contact information in a profile as described in the specification of the pending application includes at least name, address, Social Security number and telephone number.

The method suggested by Goldhaber et al. in view of Kepecs would appear to be not maintaining direct consumer identification in the consumer account, as described at Column 2, lines 49-51. Applicant respectfully submits that "not maintaining" implies an inability to store, as opposed to an inability to "accept". Therefore, none of Goldhaber et al., Kepecs, or the combination of the two suggest an inability to accept contact information.

Applicant therefore respectfully suggests that not maintaining direct consumer identification is separate and patentably distinct from an inability to accept contact information, as is recited in presently pending Claim 1. For the reasons set forth above, Claim 1 is submitted to be patentable over Goldhaber et al. in view of Kepecs.

Claims 3-7 depend from independent Claim 1. When the recitations of Claims 3-7 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 3-7 likewise are patentable over Goldhaber et al. in view of Kepecs.

Independent Claim 8 recites a method for providing advertising feedback, said method comprising the steps of "administering to each individual a password, absent any contact information for the individual," "utilizing the password to access a database," "entering profile information for the individual in the database," "maintaining the anonymity of the individual through an inability to accept contact information in the profile," "storing the entered profile information in the database," "presenting at least one of the individuals with a set of data," "receiving feedback from the at least one individual regarding the set of data" and "compensating the at least one individual for the feedback."

Goldhaber et al. in view of Kepecs do not describe nor suggest a method for providing advertising feedback that includes "an inability to accept contact information". As explained above, Goldhaber et al. describe a system which requires both personal data (contact information) and profile data to be entered by a user. In addition, Goldhaber et al. describe that the personal data can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. Further, and referring to Column 6, lines 23-23, of Kepecs, it is indicated that the Key database may include personal identification such as a Social Security number, a drivers license number, and an address of the consumer. Therefore it is apparent that Kepecs provides an ability to accept some contact information, as contact information in a profile as described in the specification of the pending application includes at least name, address, Social Security number and telephone number.

The method suggested by Goldhaber et al. in view of Kepecs would appear to be not maintaining direct consumer identification in the consumer account, as described at Column 2, lines 49-51. Applicant respectfully submits that "not maintaining" implies an inability to store, as opposed to an inability to "accept". Therefore, none of Goldhaber et al., Kepecs, or the combination of the two suggest an inability to accept contact information.

Applicant therefore respectfully suggests that not maintaining direct consumer identification is separate and patentably distinct from an inability to accept contact information,

as is recited in presently pending Claim 8. For the reasons set forth above, Claim 8 is submitted to be patentable over Goldhaber et al. in view of Kepecs.

Claims 9-15 depend from independent Claim 8. When the recitations of Claims 9-15 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 9-15 likewise are patentable over Goldhaber et al. in view of Kepecs.

Claim 16 recites an apparatus for conveying and storing information relating to anonymous data profiles. The apparatus includes "a first data repository," "a first computer linked to said first data repository, said first computer configured to communicate with said first data repository via a password and provide a first set of information about an individual to said first data repository, the first set of information lacking information relating to a name, an address, a telephone number, and a social security number of the individual through an inability to accept contact information into said first computer" and "a processor programmed to communicate with said first data repository and said first computer". The apparatus further includes "a second data repository" and "a second set of computers linked to said second data repository, said second set of computers configured to provide a plurality of second sets of information to said second data repository, said first data repository separate from said second data repository, said processor further programmed to communicate with said second data repository and said second set of computers, said processor also programmed to receive and store feedback regarding the second sets of information, and provide compensation data to said first data repository and linked to the first information sets".

Goldhaber et al. in view of Kepecs do not teach nor suggest an apparatus which includes a first and second data repository which lacks information relating to a name, and address, a telephone number, and a social security number for an individual. Further, Goldhaber et al. in view of Kepecs do not teach nor suggest an inability to accept contact information into a computer. Rather, Goldhaber et al. in view of Kepecs describe a system which includes both personal data (contact information) and profile data. See Kepecs Column 6, lines 22-31. In

addition, Goldhaber et al. describe that personal data (i.e. name, address, telephone) can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. Kepecs describes a system where a database may include personal identification information, for example, mailing address, social security numbers, drivers license number and passport numbers, although Kepecs does describe not maintaining the contact information.

While, both Goldhaber et al. and Kepecs both protect contact information, it appears that neither possess an inability to accept contact information. The apparatus suggested by Goldhaber et al. in view of Kepecs would appear to be not maintaining direct consumer identification in the consumer account, as described at Column 2, lines 49-51. Applicant respectfully submits that "not maintaining" implies an inability to store, as opposed to an inability to "accept". Therefore, Goldhaber et al. in view of Kepecs do not describe nor suggest any system or method which includes refusing to accept contact information from an individual. Therefore, none of Goldhaber et al., Kepecs, or the combination of the two suggest an inability to accept contact information.

Further, Applicant respectfully suggests that Goldhaber et al. in view of Kepecs teach away from the apparatus recited in Claim 16 since Goldhaber et al. recite that an advertiser may pay for consumer names and addresses and Kepecs states that mailing address, social security numbers, and passport numbers are part of the database. Whereas in pending Claim 16, it is recited that information relating to names, addresses, telephone numbers, or social security numbers cannot be accepted into the system. For the reasons set forth above, Claim 16 is submitted to be patentable over Goldhaber et al. in view of Kepecs.

Claims 17 and 19-21 depend from independent Claim 16. When the recitations of Claims 17 and 19-21 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17 and 19-21 likewise are patentable over Goldhaber et al. in view of Kepecs.

Independent Claim 22 recites a system for generating advertising feedback from anonymous consumers via an electronic data communications network. The system comprises "a control unit for coupling to the communications network," "a server coupled to said control unit and comprising a consumer generated data base for storing profile information relating to consumers, the data base having an inability to accept contact information within the profile, a marketer data base for storing information to be reviewed by consumers," and a processor programmed to "receive consumer generated data sets from consumers, said consumer generated data sets controlled by the consumers, each consumer generated data set including a set of individual characteristics, though refusing a name, an address, and a social security number entry for the consumer, said processor further programmed to download said consumer generated data sets into said consumer generated data base," "receive information from marketers, said information controlled by said marketers, said processor further programmed to download said marketer generated data into said marketer data base," "said processor further programmed to compare said marketer generated data to each said consumer generated data set and if said marketer generated data is identified as matching one or more said individual characteristics of said consumer generated data sets, designating said marketer generated data for being communicated to the consumer, said processor also programmed to receive feedback from the anonymous consumers regarding the marketer generated data, said system configured to provide compensation to the anonymous consumers for the feedback."

Goldhaber et al. in view of Kepecs do not teach nor suggest a system which is programmed to build data sets as described in Claim 22. Rather, Goldhaber et al. describe a system which includes both personal data (contact information) and profile data, albeit stored in different databases. In addition, Applicant respectfully suggests that Goldhaber et al. teach away from the methods recited in Claim 22 since Goldhaber et al. explains that a user is required to enter contact information (i.e. names, addresses, etc.) and that an advertiser may pay for consumer names and addresses. Whereas in pending Claim 22, it is explicitly stated that the

consumer generated data sets do not include names, addresses, or social security numbers, since the processor is programmed to refuse such entries.

In addition, Goldhaber et al. in view of Kepecs do not teach nor suggest an inability to accept contact information into a computer. Rather, Goldhaber et al. in view of Kepecs describe a system which includes both personal data (contact information) and profile data. See Kepecs Column 6, lines 22-31. While, both Goldhaber et al. and Kepecs both protect contact information, it appears that neither possess an inability to accept contact information. The system suggested by Goldhaber et al. in view of Kepecs would appear to be not maintaining direct consumer identification in the consumer account, as described at Column 2, lines 49-51 of Kepecs. Applicant respectfully submits that "not maintaining" implies an inability to store, as opposed to an inability to "accept". Goldhaber et al. in view of Kepecs do not describe nor suggest any system or method which includes an inability to accept contact information from an individual. Therefore, none of Goldhaber et al., Kepecs, or the combination of the two suggest an inability to accept contact information. For the reasons set forth above, Claim 22 is submitted to be patentable over Goldhaber et al. in view of Kepecs.

Claims 23-26 and 28 depend, directly or indirectly, from independent Claim 22. When the recitations of Claims 23-26 and 28 are considered in combination with the recitations of Claim 22, Applicant submits that dependent Claims 23-26 and 28 likewise are patentable over Goldhaber et al. in view of Kepecs.

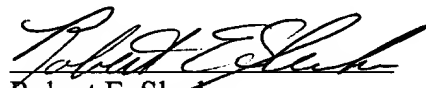
In additions to the reasons given above, Applicant respectfully submits that obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Goldhaber et al. with Kepecs to produce the claimed invention. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and the Applicant given an opportunity to challenge the correctness of the assertion or the reputé of the cited reference. Applicant has not been provided with the citation to any reference supporting

the assertions made in the rejection. Further, and to the extent understood, Goldhaber et al. in view of Kepecs do not describe or suggest the claimed combination, provide any motivation towards the claimed combination, and in fact teach away from the presently pending claims, since Goldhaber et al. require entry of contact information. Therefore Applicant respectfully submits that the presently pending claims are patentably distinguishable from the cited references.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1, 3-17, 19-26, and 28 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert E. Slenker  
Registration No. 45,112  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070



10209-00007  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fusz

Serial No.: 09/426,954

Filed: October 26, 1999

For: METHOD AND APPARATUS  
FOR ANONYMOUS DATA  
PROFILING

:  
: Art Unit: 2163  
:  
: Examiner: Boyce, A.  
:  
:

**RECEIVED**  
MAY 28 2003  
**GROUP 3600**

**SUBMISSION OF MARKED UP CLAIMS**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In furtherance of the Amendment in response to the Office Action dated February 25, 2003, submitted herewith are marked up claims in accordance with 37 C.F.R. 1.121(c)(1)(ii), wherein additions are underlined and deletions are [bracketed].

IN THE CLAIMS

P1 4. (twice amended) A method in accordance with Claim 3 further comprising the step of communicating with the individual via [the]a password.

P2 6. (twice amended) A method in accordance with Claim 1 wherein said step of providing the individual with access further comprises the step of asking the individual at least one personal question, wherein the individual is permitted to enter the database only if [the]a correct multi-character identifier is given and if at least one of the personal questions is answered correctly.

14. (twice amended) A method in accordance with Claim [8]9 further comprising the  
step of separating the profile information from the set of data information and ensuring the  
advertisers do not obtain the [first set of] profile information.

Respectfully Submitted,



Robert E. Stenker  
Registration No. 45,112  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070